

Becker



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Sonikor Instrument Corporation

**File:** B-261248

**Date:** May 24, 1995

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### DECISION

Sonikor Instrument Corporation protests the Department of the Air Force's decision to terminate for the convenience of the government the contract awarded to Sonikor under request for proposals (RFP) No. F33601-94-R-A121. Sonikor states that the Air Force terminated its contract after determining that it was not required to reject the initial low proposal of another offeror.

The Air Force originally rejected the low priced, technically acceptable initial offer submitted by Corrotec, Inc. because Corrotec's best and final offer (BAFO) was received late. After making award to Sonikor, the Air Force received an agency-level protest from Corrotec challenging the rejection of its offer and the award to Sonikor. Corrotec alleged that because its acceptance period had not expired and it had not withdrawn its initial offer, that offer should have been accepted. After review, the Air Force concurred, terminated Sonikor's contract and made award to Corrotec.

An agency may consider an initial proposal for award when a requested BAFO is received late if the initial proposal's acceptance period has not expired and the initial proposal is acceptable. See MR&S/AME, An MSC Joint Venture, B-250313.2, Mar. 19, 1993, 93-1 CPD ¶ 245. From the facts presented in this case, it appears that the conditions necessary for acceptance of the initial proposal were present. Accordingly, the agency properly concluded that Corrotec's proposal could be accepted and did not act improperly in terminating Sonikor's contract.<sup>1</sup>

The protest is dismissed.

A handwritten signature in cursive script, reading "Ronald Berger".

Ronald Berger  
Associate General Counsel

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<sup>1</sup> Sonikor complains about receiving reasonable compensation for its expenses. Termination of its contract entitles Sonikor to a termination settlement. This is a matter to be negotiated directly with the Air Force.

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